



WP No.35325 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-11-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.35325 of 2016

M.Malliga

..

Petitioner

VS.

1.The Secretary to Government,
Adi Dravidar Welfare and Tribal Department,
Fort St. George,
Chennai - 600 009.

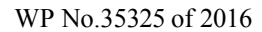
2.The Director of Adi Dravidar Welfare and Tribal Department,
Ezhilagam,
Chepauk,
Chennai - 600 005.

3.The District Adi Dravidar Welfare and Tribal Officer,
Thiruvallur – 602 001.

4.The Special Thasildhar,
Adi Dravidar Welfare Office,
Thiruvallur – 602 001. ..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Mandamus, directing the respondents



For Petitioner : Mr.K.R.Gunashekar

For Respondents : Mr.M.Muthusamy,
Government Advocate.

The issues raised in the present writ petition regarding the Government Order passed in G.O.Ms.No.234, School Education (G2) Department dated 10.09.2009, is no more res integra. The Division Bench of this Court passed an order on 25.06.2018 in W.A.Nos.429 to 438 of 2018, which reads as under:

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Supreme Court in State of UP vs. Arvind Kumar Srivastava ((2015) 1 SCC 347), wherein it has been held as under:~

“Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fencesitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.”

5. In the instant case, some people, who felt aggrieved by the G.O., have filed the Original Application in the year 1993 before the Tamil Nadu Administrative Tribunal and the same was allowed. Thereafter, it appears that these petitioners approached this court after lapse of 25



years and hence, the ratio laid down by this court for extending similar benefits to the similarly placed persons is hit by laches and the view taken by the Division Bench in W.A.No.312 to 318 of 2011. The order passed by the learned Single Judge does not warrant any modification as it does not suffer from any illegality or infirmity. In that view of the matter, all the above writ appeals are dismissed. No costs. The connected miscellaneous petitions are closed.“

2. The judgment of the Division Bench was taken by way of an appeal before the Hon-ble Supreme Court of India in SLP (Civil) Diary No.5529 of 2019, which was dismissed. Consequently, the present writ petition also stands dismissed. However, there shall be no order as to costs.

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Index : Yes/No.
Internet : Yes/No.
Speaking Order/Non-Speaking Order.
Svn



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To

WEB COPY

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S.M.SUBRAMANIAM, J.

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